

P-999/CI-91-22

ORDER TO CEASE STORE AND FORWARD OPERATION OR APPLY FOR
AUTHORITY

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Investigation
into the Use of "Store and Forward"
Technology in Telephone Equipment
Operated in Minnesota

ISSUE DATE: October 9, 1995

DOCKET NO. P-999/CI-91-22

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PROCEDURAL HISTORY

On July 19, 1993, the Commission issued its ORDER AFTER RECONSIDERATION in this matter. In the Order, the Commission, among other things, directed

- all telephone companies operating in Minnesota (including store and forward providers) to submit annual reports by May 1, 1995; and
- the Minnesota Department of Public Service (the Department) to file (by May 31, 1995) a report indicating whether or not individual providers had complied with the requirements of the Order.

On June 1, 1995, the Commission issued an Order granting the Department additional time to file its report.

On August 29, 1995, the Department filed its compliance report.

On September 26, 1995, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

I. The Department's Report

The Department reported, among other things, that several companies, possessing certificates of authority to provide store and forward service, had not filed their annual reports. The Commission has addressed these instances of non-compliance in an ORDER TO SHOW CAUSE directed to the companies identified by the Department as delinquent in this regard. The ORDER TO SHOW CAUSE is issued contemporaneously with this Order.

In addition, the Department reported that in reviewing the 1994 annual reports, it found two companies (Checco Bar and St. Francis True Value) that, despite the fact that they did not have certificates of authority to provide store and forward service, stated that they are providing this service.

The Department recommended that the two companies be directed to either cease utilizing the store and forward capabilities on their pay telephones at once or file, within 30 days, applications for certificates of authority to provide store and forward service.

II. Commission Action

Provision of store and forward service without Commission authority is illegal. In addition, Orders granting authority to provide pay telephone service specifically remind the petitioning company that it is required to obtain additional approval from the Commission before providing store and forward service in Minnesota. The Commission will adopt the Department's recommendation.

ORDER

1. Checco Bar shall adopt one of the following two courses of action:
 - ▶ Checco Bar shall stop using the store and forward capabilities of its pay telephones at once and make a written compliance filing with the Commission confirming that it has done so within 15 days of this Order.
 - ▶ In the alternative, Checco Bar shall file an application for a certificate of authority to provide store and forward service in Minnesota within 30 days of this Order.

2. St. Francis True Value shall adopt one of the following two courses of action:
 - ▶ St. Francis True Value shall stop using the store and forward capabilities of its pay telephones at once and make a written compliance filing with the Commission confirming that it has done so within 15 days of this Order.
 - ▶ In the alternative, St. Francis True Value shall file an application for a certificate of authority to provide store and forward service in Minnesota within 30 days of this Order.
3. Within 45 days of this Order, the Department shall submit a report to the Commission regarding the companies' compliance with this Order and shall recommend any further appropriate action.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)